IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

OP.No. 8023 of 2003(E)

PETITIONER:

M.C.JACOB, AGED 52 YEARS, S/O.
V.C.CHACKO, INSPECTOR, KSRTC, PALA UNIT,
RESIDING AT MURIKUNNEL HOUSE UZHAVOOR P.O.,
MEENACHIL TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.T.M.RAMAN KARTHA
SMT.MANJULA NAIR

RESPONDENTS:
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1. **THE KERALA STATE ROAD TRANSPORT CORPORATION (KSRTC), CHIEF OFFICE, AT TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **THE DISTRICT TRANSPORT OFFICER, KSRTC, PALA.**

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
SHRI K.PRABHAKARAN S.C. KSRTC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.14023/2003 IN OP. NO.8023/2003

DISMISSED

15.02.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.VLD4-21172/93 DT.21.10.94.

EXT.P2:- COPY OF THE REPRESENTATION OF THE PETITIONER DT. 20.2.95.

EXT.P3:- COPY OF THE ORDER NO.LR 10/78303/91 DT.21.11.96.

EXT.P4:- COPY OF THE MEMORANDUM NO.LR 10/78303/91 DT.24.1.97.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P. No.8023 of 2003

Dated 15th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Call for the records of this case and to issue a writ of prohibition or any appropriate order or direction prohibiting the respondents from recovering any amount from the salary of the petitioner in respect of the alleged payment of excess subsistence allowance.
>
> (ii) Issue a writ of mandamus or any appropriate order or direction to the respondents to disburse the balance amount of subsistence allowance payable to the petitioner as per Section 3 of the Kerala Payment of Subsistence Allowance Act, 1972."

2. Heard the learned counsel for the petitioner and the learned Standing Counsel. There will be a direction to the first respondent to look into Ext.P2 with notice to the petitioner and take appropriate action thereon to settle the grievance regarding disbursement of the balance subsistence allowance. This shall be done within three months from the date of production of a copy of the judgment. The amounts if any found due to the petitioner shall be disbursed within the said period; if not, the petitioner will be entitled to get interest at the rate of 12% from the date of retirement and the officers responsible for the delay shall be

personally liable for the same.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 15th February, 2007.